



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**U.S. ARMY ENGINEER DISTRICT, SACRAMENTO**  
**CORPS OF ENGINEERS**  
**1325 J STREET**  
**SACRAMENTO CA 95814-2922**

February 13, 2012

Regulatory Division SPK-2008-00861

Mr. Mark Cowin  
Director  
Department of Water Resources  
1416 Ninth Street  
Sacramento, California 94236-0001

Dear Mr. Cowin:

I am responding to your January 30, 2012, request for review and concurrence with statements of Basic and Overall Purpose (enclosed) for the Bay Delta Conservation Plan (BDCP) which was developed in coordination with my staff from the U.S. Army Corps of Engineers (USACE) Sacramento District Regulatory Division.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States; Section 10 of the Rivers and Harbors Act of 1899 for work in, over, or under navigable waters of the United States; and Section 14 of the Rivers and Harbors Act of 1899 for modifications to a Federal project. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps.

The BDCP is a program which contains many actions/projects. The BDCP itself, as a program/ umbrella document, does not require a Department of the Army permit. The actions/projects of the BDCP that result in the discharge of dredged or fill material into waters of the United States, work in navigable waters of the United States, or modifications to a Federal project, will require Department of the Army authorization prior to starting work. As the BDCP program does not require a Department of the Army authorization, there is no requirement to have statements of Basic and Overall Purpose. However, I agree that these statements at the programmatic level of the BDCP, and the additional information and analyses your staff would develop and incorporate into the BDCP because of them, would provide useful context for the subsequent planning and reviews of the individual actions/projects of the BDCP which require Department of the Army authorizations. I concur that the enclosed statements of Basic and Overall Purpose are suitable for this purpose and were developed consistent to the process for actions/projects requiring Department of the Army authorization under Section 10/404.

For each of the individual actions/projects of the BDCP which will require Department of the Army authorizations under Sections 10/404, a project specific statement of Basic and Overall

Purpose will be developed by my staff once sufficient detail is received. Each project specific statement of Basic Purpose would be used by my staff to determine the proposed action/project was water dependant. Each project specific statement of Overall Purpose would be used by my staff to evaluate practicable alternatives under the Section 404(b)(1) Guidelines. In your January 30, 2012 letter, you provided a description of Action 1, your first action/project for implementation under the BDCP. Once sufficient detail is received, my staff will develop a statement of Basic and Overall Purpose for Action 1 as part of the review under Sections 10/404.

Please refer to identification number SPK-2008-00861 in any correspondence concerning this project. If you have any questions, please contact Michael Nepstad at email *Michael.G.Michael.G.Nepstad@usace.army.mil*, or telephone 916-557-7262. For more information regarding our program, please visit our website at *www.spk.usace.army.mil/regulatory.html*.

Sincerely,

William J. Leady, P.E.  
Colonel, U.S. Army  
District Commander

Enclosure(s)

Copy furnished with enclosure(s)

Ms. Karen Schwinn  
Associate Director, Water Division  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street (WTR-1)  
San Francisco, California 94105

Mr. Paul Robershotte  
Integrated Water Resource Planning  
South Pacific Division  
U.S. Army Corps of Engineers  
1455 Market Street  
San Francisco, California 95103-1399

Mr. David Nawi  
Senior Advisor to the Secretary  
California and Nevada  
650 Capital Mall, 5<sup>th</sup> Floor

Sacramento, CA 95814

## Enclosure

# Bay Delta Conservation Plan

## BASIC AND OVERALL PROJECT PURPOSE STATEMENT PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT

### BASIC PURPOSE

The restoration and enhancement of ecological functions, including aquatic habitat restoration; and improvements to the water conveyance infrastructure and the supply and reliability of water deliveries conveyed.

### OVERALL PROJECT PURPOSE

To implement the Bay Delta Conservation Plan (BDCP), which has been designed to achieve the co-equal goals of providing for the conservation and management of aquatic and terrestrial species, including the restoration and enhancement of ecological functions in the Delta, and improving current water supplies and the reliability of delivery of water supplies conveyed through the State Water Project (SWP) and the Central Valley Project (CVP). To accomplish these goals, the BDCP sets out a comprehensive, integrated conservation strategy that involves: 1) substantial modifications and improvements to SWP and CVP water conveyance facilities in the Delta and vicinity, including the potential addition of new points of diversion in the north Delta and other facilities to convey water around the Delta; 2) operational changes to the SWP and CVP; 3) extensive protection and restoration of physical habitat, including actions to expand the extent and quality of intertidal, floodplain and other aquatic habitats in the Delta and vicinity; and 4) actions to address other stressors that adversely affect covered species. The BDCP will achieve these goals in a manner that meets the requirements of applicable federal and state laws, including the Endangered Species and Clean Water acts, and in accord with the Sacramento-San Joaquin Delta Reform Act of 2009.

### ACTION 1 - WATER OPERATIONS AND CONVEYANCE INFRASTRUCTURE

The proposed action is the implementation of the Water Operations and Conveyance Conservation Measures component of the Bay Delta Conservation Plan. The water operations and conveyance conservation measures are designed to allow greater flexibility in balancing the needs of the Sacramento-San Joaquin Delta estuary (Delta) with reliable water supply. Specifically, actions include modifications to the State Water Project and Central Valley Project conveyance facilities, including the addition of new points of diversion in the north Delta, and other facilities to convey water around the Delta. These water conveyance measures will align water operations in the Delta to better reflect seasonal flow patterns, reduce the physical impact of a southern Delta diversion point, and protect fish with state of the art fish screens.